



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY

WET-2005-22

August 16, 2005

Deroma Development, Inc.
Andrea Correia, Registered Agent
191 Foster Road
Alexandria, New Hampshire 03222

Re: 253 Foster Pond Road,
Alexandria, New Hampshire
Wetlands File # 2005-01752

Dear Ms. Correia:

On June 7, 2005, personnel from the Department of Environmental Services ("DES") conducted an inspection of property owned by Deroma Development, Inc. located at 253 Foster Pond Road, Alexandria, New Hampshire, more particularly identified on Town of Alexandria Tax Map 414 as Lot 23 ("the Property"). The purpose of this inspection was to determine compliance with RSA 485-A:17, Env-Ws 415 and RSA 482-A:6, NH Admin. Rules Wt 100 *et seq.*

Based upon the field inspection, the following deficiencies were documented:

1. Excavation had taken place through the banks and bed of an unnamed seasonal stream on the Property;
2. Hydrology of the stream and the wetland that it fed had been disrupted; and,
3. Sediment was observed in the stream, west (downstream) of the disturbed portion of the unnamed seasonal stream (across Foster Pond Road).

A review of DES records shows that a standard "Dredge and Fill" permit application had not been submitted by Deroma Development, Inc. for the activities on the Property described above.

In response, you are requested to take the following action:

1. **Immediately stabilize the Property** and install erosion control measures as necessary to protect surface water quality and prevent erosion;
2. **Within 15 days of this LOD**, prepare a temporary stabilization plan ("Plan") for the Property, and submit the Plan to DES for approval. The Plan shall include a schedule for implementing the measures described in the Plan.
3. Implement the approved temporary Plan on the Property only after receiving written approval and as conditioned by DES.

4. Within 15 days of the date of this LOD, retain a certified wetland scientist to prepare a restoration plan for the restoration of the wetland and seasonal stream.

5. Within 30 days of the date of this LOD, submit a restoration plan to DES for review and approval.

The restoration plan shall include the following:

- a. A plan with dimensions, drawn to scale, showing:
 - i. existing conditions on the site, with wetland boundaries and land topography; and
 - ii. proposed conditions after reestablishing the jurisdictional areas;
- b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
- c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration areas;
- d. A description of the proposed construction sequence, equipment, methods for accomplishing restoration, and anticipated restoration compliance date.
- e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project. These reports should be submitted to DES no later than September 15, 2006, and September 15, 2007.

6. Retain a certified wetland scientist to supervise the implementation of the restoration plan prepared in accordance with Item 5 above and to submit the restoration progress reports.

7. Implement the restoration plan proposed in accordance with Item 5 above only after receiving written approval, and as conditioned, by DES.

DES believes that the cited deficiencies can be corrected within the time periods established within this LOD. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party. DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties.

Submit the temporary stabilization plan, the restoration plan and the names of professionals retained to DES. Following completion of the necessary work, please submit a letter to DES certifying that the work requested in this Letter of Deficiency has been completed and provide DES with photographs documenting each stage of the work.

Submit all documentation, above, to:

Ana Herrero
Site Specific Program
DES Water Division
6 Hazen Drive - P.O. Box 95
Concord, NH 03302-009

Should you have any questions regarding this letter, please contact me at (603) 271-2147.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Collis G. Adams', is written over the word 'COPY' which is printed in large, bold, outlined capital letters.

Collis G. Adams, CWS,
DES Wetlands Bureau Administrator

Certified Mail RRR # 7004 0750 0003 0561 7906

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, DES Legal Unit Administrator ✓
James Martin, DES Public Information Officer
Alexandria Planning Board
Alexandria Conservation Commission
USACOE